



PATENT  
Customer No. 22,852  
Attorney Docket No. 2481.1745-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Evi KOSTENIS

Application No.: 09/899,295

Filed: July 6, 2001

For: PROCESS FOR IDENTIFYING  
MODULATORS OF  
G-PROTEIN-COUPLED RECEPTORS

)  
)  
) Group Art Unit: 1645

)  
) Examiner: Unknown

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TECH CENTER 1600/2900

Commissioner for Patents  
Washington, DC 20231

Sir:

**REQUEST FOR CORRECTION OF MATERIAL ERROR AND REPUBLICATION  
OF PATENT APPLICATION UNDER 37 C.F.R. § 1.221(b)**

The above-referenced application was published on September 12, 2002, as Publication No. 2002/0127601 A1. (See attached copy of published application.) The face of the published application shows a filing date of November 19, 2001. Applicant submits that this is a material error that is the fault of the Office. Thus, Applicant respectfully requests correction of the publication to under 37 C.F.R. § 1.221(b) to state the correct filing date of July 6, 2001.

The Office has previously granted the filing date of July 6, 2001, to this application in the Decision Granting Petition under 37 C.F.R. § 1.182, mailed February 2, 2002. A copy of the Decision Granting Petition is enclosed. Following this Decision, an Official Filing Receipt was mailed May 28, 2002, confirming a filing date of July 6, 2001. A copy of the Filing Receipt is also enclosed.

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As required by the Decision Granting Petition, Applicant filed a corrected Declaration making specific reference to the entire application, including the seven drawings, and a Petition for a five-month Extension of Time on August 21, 2002.

Copies of these documents are also attached.

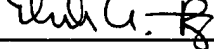
Because the Office has confirmed in both the Decision Granting Petition of February 2, 2002, and the Official Filing Receipt of May 28, 2002, that **the correct filing date of this application is July 6, 2001**, Applicant submits that the filing date error in the publication is the fault of the Office and should be corrected.

If any fees are required in connection with this request for correction of the publication, please charge them to our Deposit Account No. 06-0916. Please also grant any extensions of time required to enter this request.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 8, 2002

By:   
Elizabeth A. Doherty  
Reg. No. 50,894

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Paper No. 11

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OFFICE OF PETITIONS

In re Application of  
Evi Kostenis  
Application No. 09/899,295  
Filed: July 6, 2001  
Attorney Docket No. 2481.1745

DECISION GRANTING  
PETITION

This is a decision on the petition filed December 10, 2001, requesting that the above-identified application be accorded a filing date of July 6, 2001 with Figures 1-7 as part of the original disclosure.

On July 6, 2001, the above-identified application was deposited. The application included, inter alia, 50 pages of specification including 170 claims, a transmittal letter (3 pages), a check for the filing fee, and a certified copy of German Patent Application No. 10033352.2 to which a claim for foreign priority under 35 U.S.C. 119 is stated on the second page of the transmittal letter. No drawings other than the drawings contained in the German priority document accompanied the original application papers. Accordingly, on September 18, 2001, the Initial Patent Examination Division mailed a "Notice of Incomplete Nonprovisional Application" requiring drawings necessary for an understanding of the invention and an executed oath or declaration covering the drawings. The Notice stated that the filing date would be the date of receipt of the missing drawings.

In response, on November 19, 2001, petitioner submitted, inter alia, seven (7) sheets of drawings containing Figures 1-7 and an executed declaration and surcharge together with a paper styled "Response to Notice of Incomplete Nonprovisional Application." The response requested that the "drawings be made of official record in the above-identified application." The application was accorded a filing date of November 19, 2001 based on the seven sheets of drawings petitioner submitted that day.

On November 29, 2001, the Initial Patent Examination Division mailed a "Notice to File Corrected Application Papers" stating that the application has been accorded a filing date of November 19, 2001 and requiring substitute drawings in compliance with the margin requirements of 37 CFR 1.84.

Docketed 2-5-02 Attorney CPE/JSF/EAD/USO  
Case 2481.1745  
Due Date 4-1-02 NEXT  
Action DECL/EOA  
By J

On December 10, 2001, inter alia, the present petition including an authorization to charge the present petition fee to counsel's deposit account was filed. In a telephone communication with USPTO Legal Advisor, James Engel, petitioner was informed of a delay in locating the petition. In response, a copy of the petition was supplied by facsimile on December 14, 2001. Prior to mailing this decision the original petition was located and placed in the application file.

Petitioner requests that the application be accorded a filing date of July 6, 2001 with Figures 1-7 as part of the original disclosure. In support, petitioner cites the fact that Figures 1-7 were present in the German priority document that accompanied the original application papers deposited in the Office on July 6, 2001.

A review of the record reveals that the German priority document includes a specification, claims and seven (7) sheets of drawings containing Figures 1-7. The present petition is accompanied by a copy of those drawings. It is noted that the seven sheets of drawings submitted with petitioner's November 19, 2001 response is also based on a copy of the drawings from the German priority document.

Seven sheets of drawings containing Figures 1-7 are included in the German priority document that was present among the original application papers deposited on July 6, 2001. Accordingly, on petition, a copy of those drawings will be construed as the drawings necessary for this application for filing date purposes.

In view of the above, the petition is granted. The seven sheets of drawings submitted with the petition will be used as the drawings for filing date purposes.

The drawings submitted on November 19, 2001 are considered withdrawn and will not be entered or used during the prosecution of this application.

Since the drawings that were evaluated for compliance with the requirements of 37 CFR 1.84 are withdrawn, the Notice mailed November 29, 2001 is hereby vacated.

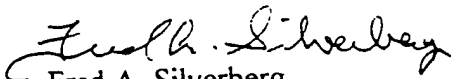
A review of the declaration that accompanied the November 19, 2001 response reveals that it specifically references the application specification, as filed, to the exclusion of any reference to the drawings. Therefore, the declaration does not execute the application including the seven sheets of drawings. Accordingly, a newly executed oath or declaration in compliance with 37 CFR 1.63, referencing the entire application (including the drawings), and identifying the specification to which it is directed is required.

Applicant is given TWO MONTHS from the date of this decision to file the oath or declaration complying with 37 CFR 1.63 and referencing the drawings as required above in order to avoid abandonment of the application. This time period may be extended pursuant to 37 CFR 1.136(a). The response should be directed to the attention of the Initial Patent Examination Division.

The application is being returned to Office of Initial Patent Examination for:

- (1) correction of the filing date to July 6, 2001, using the application papers filed July 6, 2001, and the seven sheets of drawings containing Figures 1-7 supplied December 10, 2001;
- (2) an indication in the bibliographic data for this application that seven (7) sheets of drawings were present on filing, and
- (3) awaiting any oath or declaration in response to this decision.

Any inquiries related to this decision should be directed to Legal Advisor James Engel at (703) 308-5106.



Fred A. Silverberg  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy

JJE



## UNITED STATES PATENT AND TRADEMARK OFFICE

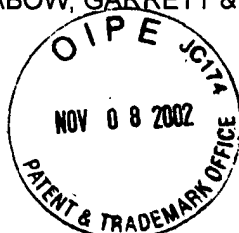
CPE/DSF/EAD/USD

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 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/899,295	07/06/2001	1645	3654	02481.1745	7	170	4

CONFIRMATION NO. 7672

22852

 FINNEGAN, HENDERSON, FARABOW, GARRETT &  
 DUNNER LLP  
 1300 I STREET, NW  
 WASHINGTON, DC 20005


## FILING RECEIPT



\*OC000000008192103\*

Date Mailed: 05/28/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Evi Kostenis, Frankfurt, GERMANY;

## Domestic Priority data as claimed by applicant

## Foreign Applications

GERMANY 10033353.2 07/08/2000

If Required, Foreign Filing License Granted 11/29/2001

Projected Publication Date: 04/25/2002

Non-Publication Request: No

Early Publication Request: No

## Title

Process for identifying modulators of G-protein-coupled receptors

## Preliminary Class

435

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



PATENT  
Customer No. 22,852  
Attorney Docket No. 02481.1745-00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Evi KOSTENIS ) Group Art Unit: 1645  
Application No.: 09/899,295 ) Examiner: Not yet assigned  
Filed: July 6, 2001 )  
For: PROCESS OR IDENTIFYING )  
MODULATORS OF G-PROTEIN- )  
COUPLED RECEPTORS )

**INITIAL PATENT EXAMINATION DIVISION**

Commissioner for Patents  
Washington, DC 20231

Sir:

**SUBMISSION OF DECLARATION AND POWER OF ATTORNEY**

In response to the Decision Granting Petition mailed February 1, 2002, Applicant submits a Declaration and Power of Attorney making reference to the entire application, including seven drawings, of the instant application. A copy of the Decision Granting Petition (Paper No. 11) is enclosed.

A five-month petition for extension of time and statutory fee payment are submitted herewith in order to extend the time period for response to September 3, 2002, as September 1, 2002, is a Sunday and September 2, 2002, is a federal holiday.

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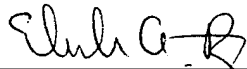


Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 21, 2002

By:   
Elizabeth A. Doherty  
Reg. No. 50,894

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